

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:05cv465-MU

RONALD E. DAVIS, JR.,

Plaintiff,

vs.

FEDEX FREIGHT EAST, INC.,
c/o BRAD CRAWFORD, S.A.,
DEREK KIRBY, and KEITH
DOVER,

Defendants.

ORDER

This matter is before the court upon a Complaint under Title VII filed by Plaintiff pro se. Defendants Kirby and Dover have filed a motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure seeking dismissal of the Complaint for failure to state a claim upon which relief can be granted.

It appears that these Defendants may be entitled to a dismissal in this action as a matter of law. Therefore, the Plaintiff is directed to file a response as described below:

TO THE PLAINTIFF, RONALD E. DAVIS, JR., READ THE FOLLOWING VERY CAREFULLY:

You are to file a brief written argument opposing the Defendants' brief supporting the Motion to Dismiss.

Within fourteen days of the date of entry of this Order, the Plaintiff must submit the brief or request an extension of the deadline.

You are hereby advised that you have fourteen (14) days from the filing of this Order in which to file your response to the Motion to Dismiss. If you fail to respond to this motion, the court will proceed to decide the matter. A copy of the response must be served on the Defendants and a certificate of service must be filed with the court showing that a copy has been sent to counsel for the Defendants.

IT IS THEREFORE ORDERED that Plaintiff has fourteen (14) days from the filing of this Order in which to respond to Defendants' Motion to Dismiss.

The Clerk is directed to certify copies of this Order to Plaintiff and counsel for Defendants. The Clerk is specifically directed to send Plaintiff's copy by **certified mail, return receipt requested**.

Signed: January 5, 2006

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
Chief United States District Judge

